

REMARKS

This Response, submitted in reply to the Office Action dated January 11, 2008, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-2, 4-16, and 18-40 are pending in the present application.

I. Claim Rejections under 35 U.S.C. § 103

Claims 1-2, 4-16, and 18-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mercer et al. (U.S. Patent No. 7,043,477 B2; hereinafter "Mercer") in view of Jensen-Grey (U.S. Patent No. 6,941,300 B2; hereinafter Jensen-Grey).

Claim 1

Claim 1 recites:

A method of managing a media file database (DB), the method is performed by a media file DB managing system, the method comprising:

- searching for media files;
- automatically creating file directories based on metadata of the media files;
- displaying a tree structure of the created file directories;
- creating link files for the media files in the file directories;
- executing a media file management program; and
- reading and navigating the created file directories using the media file management program.

The Examiner asserts that Mercer teaches all of the elements of claim 1 except for searching for media files and cites Jensen-Grey to cure the deficiency.

However, contrary to the Examiner's assertions, Mercer does not teach the elements of claim 1 and Jensen-Grey does not cure the deficiencies of Mercer. Mercer is directed to the storage of playlists to a removable computer-readable medium. See col. 5, lines 64-66. Unlike presently available playlists, which are simple flat lists of media files, the playlists of Mercer include one or more groups that allow the user to use a simple navigation metaphor to navigate to the desired group in the playlist. See col. 6, lines 3-10.

Claim 1 further recites "executing a media file management program and reading and navigating the created file directories using the media file management program." The Examiner asserts that the media file management program corresponds to the software program in the Mercer system that creates the directory, citing col. 6, lines 60-63 and col. 4, lines 39-43 of Mercer in support. Further, the Examiner asserts that Fig. 7 of Mercer discloses the claimed reading and navigating of created file directories.

The authoring software determines if the input media file includes audio data, video data, image data or a playlist. If the media file includes such data, then the metadata is obtained from the input media file for use in defining groups. The authoring software analyzes all the media files that the user has selected to write to the medium to construct playlists to give the user a rich experience when the media files are rendered by a compliant media player. See col. 7, lines 58-62. However, there is no teaching or suggestion that the authorizing software, which is used to create playlists, reads or navigates created file directories, as claimed.

Claim 1 recites "searching for media files." The Examiner asserts that Jensen-Grey, col. 5, line 52, teaches this aspect of the claim.

Assuming *arguendo* Jensen-Grey teaches this aspect of the claim, combining Jensen-Grey with Mercer is not obvious. Specifically, in Mercer, the media files are provided by a user for storage to a removable computer-readable medium. There is no searching for media files as claimed in Mercer. Consequently, modifying Mercer as suggested by the Examiner would be contrary to the principle of operation of Mercer, evidencing that the Examiner's reasoning is merely a result of impermissible hindsight. MPEP 2143.01 (If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)).

Consequently, claim 1 and its dependent claims should be deemed allowable. To the extent independent claims 2, 15 and 16 recite similar subject matter, claims 2, 15, and 16 and their dependent claims should be deemed allowable for at least the same reasons.

Claim 2

Claim 2 recites, *inter alia*, "copying the media files to the file directories as copied media files." The Examiner asserts that col. 22, lines 42-44 of Mercer teaches this aspect of the claim. Mercer discloses a HIGHMAT directory and the files within it may be marked as hidden by the software that created the medium in order to lessen user confusion. There is no teaching or suggestion of copying media files, let alone that media files are copied to file directors as copied media files, as claimed.

Consequently, claim 2 and its dependent claims should be deemed allowable. To the extent claim 16 recites similar subject matter, claim 16 and its dependent claims should be deemed allowable for at least the same reasons.

Claim 4

Claim 4 recites “wherein in the searching for the media files comprises setting a search range for the media files and searching for the media files within the set search range.” The Examiner asserts that Fig. 7 of Mercer teaches this aspect of the claim. However, in rejecting claim 1, the Examiner states that Mercer does not teach the claimed searching for media files and cited Jensen-Grey to cure the deficiency. Applicant submits that since Mercer does not disclose the claim searching for media files. Mercer also does not teach searching for the media files comprises setting a search range for the media files and searching for the media files within the set search range, as claimed.

Further, Fig. 7 illustrates the structure for a playlist. There is no teaching or suggestion of searching for media files as claimed.

For at least the above reasons, claim 4 should be deemed allowable.

Claims 9-10, 12-13, and 23-24

The Examiner asserts that the elements of claims 9-10, 12-13, and 23-24 are disclosed in Mercer and Jensen-Grey. However, the Examiner has not established where these aspects of the claims are disclosed in the cited art. A mere assertion that a claimed element is taught in the art, without more, is insufficient to establish an obviousness rejection. Therefore, claims 9-10, 12-13, and 23-24 should be deemed allowable.

II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Ruthleen E. Uy/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

Ruthleen E. Uy
Registration No. 51,361

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